

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C](cont'd)

(3) The board may release information from a peer review or consultant's report when soliciting the licensee's position will aid in making the probable cause determination and such disclosure can be made to the licensee without revealing identifying information regarding the complainant, peer reviewer or consultant.

ARC 6351B**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The amendment being proposed will:

1. Revise and list approximately 113 river and stream segments as Class A2 Secondary Contact Recreational Use designated waters in the rule-referenced document "Surface Water Classification."
2. Revise and list approximately 138 river and stream segments as Class A2 Secondary Contact Recreational Use and Class B(WW-2) Warm Water-Type 2 designated waters in the rule-referenced document "Surface Water Classification."
3. Revise and list 4 stream segments as Class A2 Secondary Contact Recreational Use and Class B(WW-3) Warm Water-Type 3 designated waters in the rule-referenced document "Surface Water Classification."
4. Revise and list 9 river and stream segments as Class A3 Children's Recreational Use and Class B(WW-2) Warm Water-Type 2 designated waters in the rule-referenced document "Surface Water Classification."
5. Revise and list 13 river and stream segments as Class A3 Children's Recreational Use designated waters in the rule-referenced document "Surface Water Classification."
6. Revise and list 5 river and stream segments as Class B(WW-2) Warm Water-Type 2 designated waters in the rule-referenced document "Surface Water Classification."
7. Revise and list 9 stream segments as Class B(WW-2) Warm Water-Type 2 and no recreational use designated waters in the rule-referenced document "Surface Water Classification."
8. Revise and list 1 stream segment as Class B(WW-3) Warm Water-Type 3 and no recreational use designated waters in the rule-referenced document "Surface Water Classification."

Recent rule making and 2006 legislative action have brought the Department's water quality rules closer to compliance with federal Clean Water Act requirements and U.S. Environmental Protection Agency (EPA) regulations, establishing new levels of protection for water quality. As an outcome of these efforts, all 26,000 miles of Iowa's perennial (flowing year-round) streams are initially protected at the highest levels for recreation and warm water aquatic life uses. These actions provide initial protection for many miles

of perennial streams that were previously not designated for aquatic life and/or recreational uses.

Under the rules adopted in 2006, it is presumed that all perennial streams and rivers are attaining the highest level of recreation and aquatic life uses and should be protected for activities such as fishing and swimming. This concept of assigning all perennial streams the highest use designation, unless assessments show that the stream does not deserve that level of protection, is referred to as the "rebuttable presumption." Included in the federal regulations are the provisions that allow for scientific analysis of these "presumed" recreational and aquatic life uses. An integral part of implementing the rules adopted in 2006 is verifying that a stream is capable of supporting the presumed uses.

The concept of Use Assessment and Use Attainability Analysis (UA/UAA) is being applied by the Department as a step-by-step process to gather site-specific field data on stream features and uses. The Department then assesses available information to determine if the "presumed" recreational and aquatic life uses are appropriate.

The Department elected to perform a UA/UAA on any newly designated stream that receives a continuous discharge from a facility with a National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuing an NPDES permit for an affected facility, the Department will complete a UA/UAA for the receiving stream or stream network. Below is a list of the overall 292 proposed stream segments as a result of field assessments conducted in 2006. (Duplicate listings represent separate segments along the overall reach of the stream.)

The proposed stream segment revisions are:

Class A2 Stream Segments

1. Badger Creek (Warren)
2. Bear Creek (Linn/Benton)
3. Bear Creek (Linn/Benton)
4. Beaver Creek (Blackhawk/Butler)
5. Beaver Creek (Polk/Boone)
6. Big Creek (Henry)
7. Bloody Run (Clayton)
8. Boone River
9. Boyer River
10. Brush Creek (Henry)
11. Brushy Creek (Webster)
12. Buffalo Creek (Jones/Buchanan)
13. Buffalo Creek (Jones/Buchanan)
14. Buttrick Creek (Greene)
15. Catfish Creek (Dubuque)
16. Cedar Creek (Greene/Calhoun)
17. Cedar Creek (Jefferson) UA/UAA
18. Cloie Branch (Dubuque)
19. Coal Creek (Warren/Marion)
20. Competine Creek (Jefferson)
21. Cooper Creek (Appanoose)
22. Crow Creek (Jefferson)
23. Deep Creek (Jackson/Clinton)
24. Deer Creek (Tama)
25. Dry Run (Winnebago)
26. Duck Creek (Scott)
27. Durion Creek (Dubuque/Delaware)
28. Eagle Creek (Wright/Hamilton)

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29. East Boyer River
 30. East Branch Iowa River
 31. East Cedar Creek (Calhoun)
 32. East Fork Des Moines River
 33. East Fork Medicine Creek (Wayne)
 34. East Nishnabotna River
 35. Elk River
 36. English River
 37. Fish Creek (Henry)
 38. Floyd River
 39. Fourmile Creek (Polk/Story)
 40. Fox River
 41. Honey Creek (Boone)
 42. Hoosier Creek (Johnson/Linn)
 43. Iowa River
 44. Jackson Creek (Wayne)
 45. Lake Creek (Calhoun)
 46. Linn Creek (Marshall)
 47. Little Beaver Creek (Blackhawk/Butler)
 48. Little Beaver Creek (Boone/Dallas)
 49. Little Beaver Creek (Polk)
 50. Little Rock River
 51. Little Turkey River
 52. Little Turkey River
 53. Lizard Creek (Pocahontas)
 54. Long Creek (Des Moines)
 55. Lotts Creek (Humboldt)
 56. Maple River
 57. Maquoketa River
 58. Middle Nodaway River
 59. Middle Raccoon River
 60. Middle River
 61. Milford Creek (Dickinson)
 62. Mill Creek (Cherokee/O'Brien)
 63. Miners Creek (Jefferson)
 64. Muchakinock Creek (Monroe/Mahaska)
 65. Mud Creek (Benton)
 66. Mud Creek (Scott)
 67. Nodaway River
 68. North English River
 69. North Fork Maquoketa River
 70. North River
 71. North Skunk River
 72. Ocheyedan River
 73. Old Mans Creek (Johnson/Iowa)
 74. Otter Creek (Crawford)
 75. Otter Creek (Lyon/Osceola)
 76. Otter Creek (Warren)
 77. Peas Creek (Boone)
 78. Pine Creek (Muscatine)
 79. Prairie Creek (Benton/Linn)
 80. Quarter Section Run (Bremer)
 81. Silver Creek (Clinton)
 82. Silver Creek (Pottawattamie/Mills)
 83. Silver Creek (Winneshiek)
 84. Silver Creek (Winneshiek/Howard)
 85. Soap Creek (Wapello/Davis)
 86. Soldier Creek (Webster)
 87. Soldier River
 88. South Fork Catfish Creek (Dubuque)
 89. South Fork Chariton River
 90. South Raccoon River
 91. South Raccoon River
 92. South Skunk River
 93. Spring Creek (Des Moines)
 94. Sugar Creek (Cedar)
 95. Sugar Creek (Poweshiek/Jasper)
 96. Ten Mile Creek (Winneshiek)
 97. Tetes Des Morts Creek (Jackson)
 98. Trout Creek (Winneshiek)
 99. Unnamed Creek (2) (Lyon Co. near City of Inwood)
 100. Unnamed Creek (Decatur Co. near City of Lamoni)
 101. Unnamed Creek (Winneshiek Co. near City of Spillville)
 102. Unnamed Creek (Winneshiek Co. near DNR Decorah State Hatchery)
 103. Wapsinonoc Creek (Muscatine)
 104. Wapsipinicon River
 105. West Branch 102 River
 106. West Branch Wapsinonoc Creek (Muscatine/Cedar)
 107. West Fork 102 River
 108. West Fork Little Sioux River
 109. West Jackson Creek (Wayne)
 110. West Nishnabotna River
 111. White Breast Creek (Marion/Clarke)
 112. Whitewater Creek (Dubuque/Jones)
 113. Yankee Run (Clinton/Cedar)
- Class A2, B(WW-2) Stream Segments**
1. Beaver Creek (Worth/Winnebago)
 2. Bluegrass Creek (Audubon)
 3. Brockamp Creek (Winneshiek)
 4. Bruce Creek (Fayette/Clayton)
 5. Brush Creek (Henry/Johnson)
 6. Buckeye Creek (Wapello)
 7. Burr Oak Creek (Sioux)
 8. Cathedral Creek (Appanoose)
 9. Cedar Creek (Sac/Pocahontas)
 10. Chariton River
 11. Clear Creek (Johnson/Iowa)
 12. Competine Creek (Marion)
 13. Copper Creek (Jackson)
 14. Crow Creek (Scott)
 15. Davis Creek (Johnson/Washington)
 16. Drainage Ditch 64 (Winnebago)
 17. Drainage Ditch 171 (Greene)

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18. Drainage Ditch 2 (Wright)
19. Drainage Ditch 3 (Humboldt/Wright)
20. Drainage Ditch 65 (Calhoun)
21. Drainage Ditch 9 and 13 (Calhoun)
22. Drainage Ditch 94 (Wright)
23. Dugout Creek (Poweshiek)
24. Dutch Creek (Washington/Keokuk)
25. East Beaver Creek (Boone)
26. East Fork Big Creek (Decatur)
27. East Otter Creek (Crawford)
28. East Soldier River
29. Gere Creek (Cherokee)
30. Gypsum Creek (Webster)
31. Hardin Creek (Greene/Calhoun)
32. Hickory Creek (Scott)
33. Hogans Branch (Dubuque)
34. Lateral 2 (Buena Vista)
35. Lateral 4 (Buena Vista)
36. Little Bear Creek (Benton)
37. Little Floyd River
38. Little Maple River
39. Little Wapsipinicon River
40. Long Branch (Guthrie)
41. Lux Creek (Dubuque/Jackson)
42. Manson Creek (Appanoose)
43. McDonald Creek (Scott)
44. Mead Creek (Howard)
45. Middle Branch 102 River
46. Middle Creek (Mahaska)
47. Middle Fork Grand River
48. Middle Silver Creek (Pottawattamie)
49. Middle Soldier River
50. Moon Creek (Mahaska/Poweshiek)
51. Mud Creek (Muscatine)
52. North Fork Long Creek (Washington)
53. North Raccoon River
54. Odebolt Creek (Sac/Ida)
55. Otter Creek (Louisa)
56. Outlet Creek (Buena Vista)
57. Pike Run (Winnebago)
58. Prairie Creek (Johnson)
59. Preston Creek (Boone)
60. Ramsey Creek (Johnson/Washington)
61. Rock Creek (Cedar)
62. Roff Creek (Louisa)
63. Sents Creek (Marion)
64. Sevenmile Creek (Decatur)
65. Sewer Creek (O'Brien/Clay)
66. Silver Creek (Clinton)
67. Snyder Creek (Johnson)
68. South Beaver Creek (Butler/Hardin)
69. South Cedar Creek (Clayton)
70. South River
71. South Soap Creek (Davis/Appanoose)
72. Spring Branch (Chickasaw)
73. Sugar Creek (Dallas)
74. Sugar Creek (Henry)
75. Sugar Creek (Lee)
76. Sugar Creek (Mitchell)
77. Sycamore Creek (Scott)
78. Tank Pond Creek (Webster)
79. Trulner Creek (Humboldt)
80. Turkey Creek (Cass)
81. Unnamed Creek (Winnesheik Co. near City of Calmar)
82. Unnamed Creek (Sioux Co. near City of Hull)
83. Unnamed Creek (City of Inwood)
84. Unnamed Creek (Cedar Co. near City of Tipton (East))
85. Unnamed Creek (Winnesheik Co. near City of Calmar)
86. Unnamed Creek (Sioux Co. near City of Hull)
87. Unnamed Creek (Henry Co. near New London)
88. Unnamed Creek (Cedar Co. near City of Tipton (East))
89. Unnamed Creek (Gateway LTD)
90. Unnamed Creek (Linn Co. near ADM Corn Sweeteners)
91. Unnamed Creek (Wapello Co. near City of Agency)
92. Unnamed Creek (Dubuque Co. near City of Asbury)
93. Unnamed Creek (Davis Co. near City of Bloomfield)
94. Unnamed Creek (Center Point — South)
95. Unnamed Creek (Wayne Co. near City of Allerton)
96. Unnamed Creek (Scott Co. near City of Blue Grass)
97. Unnamed Creek (Wayne Co. near City of Corydon)
98. Unnamed Creek (Howard Co. near City of Cresco)
99. Unnamed Creek (Clinton Co. near City of DeWitt)
100. Unnamed Creek (Scott Co. near City of Donahue)
101. Unnamed Creek (Lee Co. near City of Donnellson)
102. Unnamed Creek (Palo Alto Co. near City of Emmetsburg)
103. Unnamed Creek (City of Farnhamville)
104. Unnamed Creek (Wayne Co. near City of Humeston)
105. Unnamed Creek (Benton Co. near City of Keystone)
106. Unnamed Creek (Fayette Co. near City of Lenox)
107. Unnamed Creek (Calhoun Co. near City of Lohrville)

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108. Unnamed Creek (Poweshiek Co. near City of Montezuma)
109. Unnamed Creek (Mahaska Co. near City of New Sharon)
110. Unnamed Creek (Sac Co. near City of Odebolt)
111. Unnamed Creek (Fayette Co. near City of Randalia)
112. Unnamed Creek (Winneshiek Co. near City of Stuart)
113. Unnamed Creek (Bremer Co. near City of Tripoli)
114. Unnamed Creek (Muscatine Co. near City of Walcott)
115. Unnamed Creek (Henry Co. near City of Wayland)
116. Unnamed Creek (Crawford Co. near City of Westside)
117. Unnamed Creek (Dallas Co. near City of Woodward)
118. Unnamed Creek (Muscatine Co. near Clearview MHP)
119. Unnamed Creek (Lee Co. near Climax Molybdenum)
120. Unnamed Creek (Shelby Co. near Country Care Center)
121. Unnamed Creek (Wapello Co. near City of Eddyville)
122. Unnamed Creek (Dubuque Co. near City of Epworth)
123. Unnamed Creek (Winneshiek Co. near City of Festina)
124. Unnamed Creek (Webster Co. near Frontier Ethanol, LLC)
125. Unnamed Creek (Winnebago Co. near Golden Oval Eggs)
126. Unnamed Creek (Jasper Co. near City of Grinnell)
127. Unnamed Creek (Washington Co. near Highland Community School)
128. Unnamed Creek (Winnebago Co. near City of Lake Mills)
129. Unnamed Creek (Cherokee Co. near City of Meriden)
130. Unnamed Creek (Webster Co. near Savage Sanitary District)
131. Unnamed Creek (Southpark Mobile Home Park)
132. Unnamed Creek (Johnson Co. near Sunrise Mobile Home Village)
133. Unnamed Creek (Benton Co. near City of Van Horne)
134. Unnamed Creek (Dallas Co. near City of Waukee)
135. Walnut Creek (Winneshiek)
136. West Branch Little Sioux River
137. West Buttrick Creek (Greene/Webster)
138. Willow Creek (Carroll/Guthrie)

Class A2, B(WW-3) Stream Segments

1. Broadhorn Creek (Madison/Warren)
2. Coal Creek (Mahaska/Monroe)
3. Coon Creek (Jefferson)
4. Rock Creek (Wapello and Jefferson)

Class A3, B(WW-2) Stream Segments

1. Fourmile Creek (Polk/Story)
2. Mad Creek (Muscatine)
3. Milford Creek (Dickinson)
4. Mill Creek (Johnson)
5. Peas Creek (Boone)
6. Silver Creek (Scott)
7. Springbrook Creek (Guthrie)
8. Unnamed Creek (Henry Co. near City of New London)
9. Wildwood Creek (Floyd)

Class A3 Stream Segments

1. Bear Creek (Linn/Benton)
2. Beaver Creek (Polk/Boone)
3. Catfish Creek (Dubuque)
4. Dry Run (Winneshiek)
5. Duck Creek (Scott)
6. Fenchel Creek (Delaware/Clayton)
7. Muchakinock Creek (Monroe/Mahaska)
8. North Fork Maquoketa River
9. Prairie Creek (Benton/Linn)
10. Silver Creek (Clinton)
11. Soldier Creek (Webster)
12. South Raccoon River
13. Wildwood Creek (Floyd)

Class B(WW-2) Stream Segments

1. Brushy Creek (Webster)
2. Elk River
3. Lizard Creek (Pocahontas)
4. West Branch Wapsinonoc Creek (Muscatine/Cedar)
5. White Breast Creek (Marion/Clarke)

Class B(WW-2) streams with no recreational uses

1. Unnamed Creek (Dubuque Co. near City of Cascade)
2. Unnamed Creek (Dubuque Co. near City of Dyersville)
3. Unnamed Creek (Decatur Co. near City of Lamoni)
4. Unnamed Creek (Marion Co. near City of Pleasantville)
5. Unnamed Creek (O'Brien Co. near City of Sanborn)
6. Unnamed Creek (Buchanan Co. near Cono Christian School)
7. Unnamed Creek (Hancock Co. near City of Klemme)
8. Unnamed Creek (Muscatine Co. near M and W Mobile Home Park)
9. Unnamed Creek (PLCP, LP)

Class B(WW-3) streams with no recreational uses

1. Roff Creek (Louisa)

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As required by recent legislation, a Fiscal Impact Statement (FIS) has been prepared for this Notice and is available upon request.

Additional information on Iowa's Water Quality Standards, including the FIS and detailed maps of the stream assessments, can be found on the Department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

Any person may submit written suggestions or comments on the proposed amendment through December 11, 2007. Such written material should be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319; fax (515)281-8895; or E-mail adam.schnieders@dnr.iowa.gov. Persons who have questions may contact Adam Schnieders at (515)281-7409.

Persons are invited to present oral or written comments at a series of public hearings, which will be held throughout the state as follows:

November 15, 2007 Municipal Utilities Conference Room 15 W. Third St. Atlantic, Iowa	9 a.m.
November 15, 2007 Cherokee Community Center 530 W. Bluff St. Cherokee, Iowa	6 p.m.
November 20, 2007 Clear Lake Community Meeting Room 15 N. Sixth St. Clear Lake, Iowa	11 a.m.
November 27, 2007 Wallace State Office Building Wallace Building Auditorium 502 East 9th St. Des Moines, Iowa	9 a.m.
November 29, 2007 Iowa City Public Library 123 Linn St. Iowa City, Iowa	4 p.m.
November 30, 2007 Elkader Opera House 207 N. Main St. Elkader, Iowa	11 a.m.

Any persons who plan to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

This amendment may have an impact upon small businesses.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule 61.3(5) as follows:

61.3(5) Surface water classification. The department hereby incorporates by reference "Surface Water Classification," effective ~~March 22, 2006~~ [effective date of rule to be inserted]. This document may be obtained on the

department's Web site at <http://www.iowadnr.com/water/standards/index.html>.

ARC 6355B

ENVIRONMENTAL PROTECTION
COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 213, "Packaging—Heavy Metal Content," Iowa Administrative Code.

The proposed amendments include the removal of an out-of-date schedule for reducing concentration levels of heavy metals in packaging.

The proposed amendments incorporate changes enacted as a result of 2007 Iowa Acts, Senate File 344. The amendments propose to restrict the liability of distributors for the distribution of toxic packages without knowledge and substitute civil enforcement proceedings for the former criminal enforcement provisions.

Any interested person may make written suggestions or comments on the proposed amendments on or before 4:30 p.m. on Wednesday, November 14, 2007. Such written comments should be directed to Kathleen L. Hennings, Energy and Waste Management Bureau, Iowa Department of Natural Resources, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515)281-8895. Persons wishing to convey their views orally should contact Kathleen L. Hennings at (515) 281-5859.

When submitting comments, stakeholders are encouraged by the Energy and Waste Management Bureau to utilize the following guidelines. These guidelines aid the Bureau in accurately understanding and creating a record of your input.

1. Include your mailing address and contact information.
2. Please state if you are submitting comments as an individual or for a business or organization.
3. Cite the specific rule(s) on which you are commenting.
4. Explain your views as clearly as possible by describing any assumptions, data, or technical information you utilized.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative language that you think would improve the specific rule(s) and explain why.

Also, there will be a public hearing from 10:30 to 11:30 a.m. on Wednesday, November 14, 2007, in Conference Room 4 West of the Wallace State Office Building, 502 E. 9th St., Des Moines, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who plan to attend the public hearing and have special requirements, such as those related to hearing or